#

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4517 OF 2006

Manoj B. Parekh .. Applicant

Versus

The State of Maharashtra .. Respondent

Mr.Satish Maneshinde for applicant

Mr.M.S.Mhambre, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 20th December 2006

P.C.

. Mr.Maneshinde points out that co-accused in the case has been enlarged on bail by this Court. The applicant was arrested on 9th

November 2006. MECR No.15 of 1998 is registered with the G.B.C.B., C.I.D., Unit III, EOW alleging offences of criminal breach of trust, cheating and forgery.

2. The only reason why the application for bail has been rejected by the Additional Sessions Judge is that the applicant is not an Indian national. He has a dual citizenship of South Africa and U.S.A. but presently based in U.K./London. He was arrested on visit to India and it is quite likely that he would abscond and would not be available for trial. The case is pending since 1998 and the reason for rejecting the application appears to be only the citizenship.

3. Mr.Maneshinde states that it is false to allege that the applicant was absconding for the last 6 to 7 years and avoiding his arrest. Rather, the applicant comes to India very often in connection with business dealings and it is ot

as if he was absconding. There are civil disputes pending between the complainant and applicant - accused. In such circumstances, the applicant undertakes to abide by all conditions as are imposed by this Court.

4. Learned A.P.P. seeks imposition of stringent conditions including reporting daily at G.B.C.B., C.I.D., and not leaving Mumbai without prior permission of the trial court.

5. In the above circumstances, following order would serve ends of justice.

i) The applicant arrested in connection with C.R.No.MECR No.15 of 1998 registered with G.B.C.B., C.I.D., Unit III, EOW, shall be enlarged on bail in the sum of Rs.1 lakh with one or two local sureties in the like amount.

ii) The bail is granted subject to

condition that the applicant will remain present before the concerned investigating officer initially for a period of three weeks on every alternate day and thereafter as directed by the trial court. Applicant shall not leave Mumbai without prior permission of the trial court.

iii) The order of bail will be given effect only after the applicant furnishes to the investigating officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the Investigating officer.

iv) The bail is granted subject to condition that the applicant shall not

directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

v) The applicant shall cooperate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vii) Application is disposed of in above terms.

viii) Parties to act on an

authenticated copy of this order.

2 (S.C.DHARMADHIKARI, J)